

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

XIAOYE BAI,
Plaintiff(s),
v.
REUBART, et al.,
Defendant(s).

Case No.: 2:19-cv-00739-GMN-NJK

ORDER

[Docket Nos. 34, 40]

Pending before the Court is Plaintiff's motion to confirm service by the United States Marshal. Docket No. 34. Also pending before the Court is Plaintiff's motion to extend the time to effectuate service. Docket No. 40.

These motions address service with respect to Defendant Clark and Defendant Hammel. As an initial matter, Defendant Clark subsequently appeared in the case by filing an answer. Docket No. 41. As such, it appears that service is no longer an issue with respect to Defendant Clark. The service-related motions will be denied as moot as they relate to Defendant Clark.

With respect to Defendant Hammel, Plaintiff was ordered to provide the USM-285 form to the United States Marshal for service on Defendant Hammel. Docket No. 27. Although not entirely clear, it appears that Plaintiff filed that form on the docket (with the Clerk's Office) rather than submitting it to the United States Marshal. *See* Docket Nos. 32, 34.

Accordingly, the Clerk's Office is **INSTRUCTED** to deliver a copy of the USM-285 form for Defendant Hammel (*see* Docket No. 32 at 5) to the United States Marshal Service. Within 20

1 days after receiving from the United States Marshal a copy of the Form USM-285 showing whether
2 service has been accomplished, Plaintiff must file a notice identifying whether Defendant Hammel
3 was served. If service was unsuccessful and Plaintiff wishes to have service attempted again, a
4 motion must be filed identifying the unserved defendant and specifying a detailed name and/or
5 address for said defendant, or explaining whether some other manner of service should be
6 attempted. The deadline to effectuate service on Defendant Hammel is hereby **EXTENDED** to
7 April 12, 2021.

8 Consistent with the above, Plaintiff's motion to confirm service by the United States
9 Marshal (Docket No. 34) is **GRANTED** in part and **DENIED** in part. Plaintiff's motion to extend
10 the time to effectuate service (Docket No. 40) is **GRANTED** with respect to Defendant Hammel
11 and **DENIED** with respect to Defendant Clark.

12 IT IS SO ORDERED.

13 Dated: January 27, 2021

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16 Nancy J. Koppe
17 United States Magistrate Judge
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